

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>	)	
State Engineer	)	69cv07941 – MV / KK
	)	RIO CHAMA STREAM SYSTEM
	)	
Plaintiff,	)	
	)	Section 3, Rio Cebolla
vs.	)	Subfile Nos. CHCB-001-0007,
	)	CHCB-002-0001B, CHCB-002-0002C,
	)	CHCB-002-0009
ROMAN ARAGON, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**AFFIDAVIT OF CHARLIE CHACON**

I, Charlie Chacon, being duly sworn, state as follows:

1. I was born on October 23, 1920 in Cebolla, New Mexico to Patricio and Maximiana Lopez Chacon. I was born and raised on the Leandro Montoya homestead of 1892 that my grandfather, Gregorio Lopez bought from him in 1911 and my father bought from my grandfather Lopez in 1919. I still have these original deeds all the way to now.

2. My wife and partner is Geralda Miranda Chacon, mother of my four children, Carlos, Claudio, Dina and Gerald.

3. My residence is in Espanola, New Mexico, but we also have two houses in Cebolla where we stay for extended periods of time.

4. I am a retired Fireman from Los Alamos and at present I help with the family ranching operation, mostly from my chair.

5. I come from a long line of ranchers who have been long lived. My father, Patricio Chacon, was born June 30, 1893 and lived to 101. My grandfather Epimenio Chacon was born April 4, 1863 and lived to be 94. My great grandfather, Serafin Chacon, who I never knew, lived to be over 100. Much of what I learned of the Cebolla land history and uses comes from them.

6. The upper part of Cebolla was populated mainly by our extended family, the Chacon, Valdez, Lopez, Gomez, Garcia and Quintana families. It is from my extended family and neighbors that I learned the history of our families, the lay of the land, the location of the springs

and sources of water, the ditches and parciales, where we raised our crops, and when and where to move our livestock. In this Affidavit I am speaking from my personal knowledge about these matters in the Cebolla area.

7. By five years old I already had my farm chores to do, along with my sister, Mary, and my younger brother, Gilberto. For example, we'd gather eggs, bring in wood and even water from the nearby creek. We'd help in the harvest of our garden crops, the best we could. We would pick up and put the potatoes into a basket for a grown person to lift and put it in the wagon. By ten years old I was helping the neighbors, mostly my own relatives, with their ranch and farm work and once in a while I'd get paid a little bit but most of the time I would not.

8. In preparation for this Affidavit I read the memorandum by Ms. Braswell regarding why we are not entitled to water because the Old Valdez and Alfalfita Ditch were constructed as two separate ditches. I don't agree.

9. For example, the water from the Rito de la Piedra always made it down to our southwestern most boundary, at the end of the Alfalfita field. There was only one ditch from the Rito de la Piedra to the end of the Alfalfita field. It was the Old Valdez ditch. Sometimes we would also call it the "Alfalfita" ditch when it got into our property. But either way it was one ditch.

10. Gabe Wade, the State Engineer's attorney, told me that the State Engineer had the Old Valdez Ditch ending at Delfin Quintana's place on its hydrographic map and from there the State Engineer called it the Alfalfita "ditch". That's wrong. It is one ditch all the way through. If anything, within the Alfalfita field, the ditch were laterals off the Old Valdez Ditch. Only immediate family and neighbors referred to it as the "Alfalfita ditch" at the tail end of the system. See Charlie Chacon Exhibit 1: Deposition Excerpt of Charlie Chacon.

11. Another thing, for years all the people in Cebolla survived by growing their own vegetable crops. There were no stores nearby. If you didn't grow crops for food, you wouldn't eat. We depended on what we could grow, like peas, potatoes, corn, oats, wheat and other crops to feed our livestock, goats, sheep, milk cows, cattle. Many of our garden crops and harvests came from the Alfalfita field while much of our hay came from the Tia Josefa pasture land. In other words we had to be self-sufficient. See Charlie Chacon Exhibit 2: Deposition Excerpt of Mary Chacon Martinez.

12. Many of our neighbors, family and acquaintances were familiar with the use of ditch water on the Alfalfita field and have provided Affidavits about these uses, and I have provided the State Engineer with these sworn statements. I include these statements here. See Charlie Chacon Exhibit 3: Affidavits of Feliberto Ulibarri, Cristobal Archuleta, Ubaldo Valdez, Gilbert A. Chacon, Delfin Quintana and Gabriel L. Valdez.

13. By the 1950s, with the growth of cattle markets, our agriculture had changed to where we'd only run livestock and grow little or no garden crops. Instead we'd go buy groceries in town because we were now working for wages. So now growing pasture and hay is more important than growing a large garden. Either way, we never stopped irrigating unless the water just ran out during dry spells, especially the drought of the 1950s.

14. Also, here in Cebolla you always have to beat back the sage brush, scrub oak and other wild plants in order to keep growing a good pasture. Regular irrigation helps to eliminate the sage brush and other undesirable growth. We have learned to buy our winter feed from Colorado and use our irrigated summer pasture grasses to graze our cattle on the hoof.

15. Another wrong matter that Ms. Braswell states is that "The Alfalfita ditch was constructed at some unknown time after 1907." It wasn't unknown and it wasn't after 1907. It was before 1907, as early as 1886 according to the homestead records that "cultivation" was taking place. Probably the ditch wasn't called "Alfalfita" before 1907 but Jose Leandro Montoya, the Patentee, for sure had a "ditch" and cultivation on the property according to the records and old survey. Also, where the Alfalfita field is located always had the reputation in the family of being one of the oldest cultivated fields in Cebolla, going back to the 1880s.

16. Jose Leandro Montoya built his house close to the Cebolla creek on the north side. In fact, the old logs from his house are still there. We have used this old house structure for over 100 years for farm purposes. There was a ditch close to where he lived, across the Cebolla creek, on the south side. You can still tell on the ground where that old ditch was. The records and history support our claim of old water rights before 1907, on the Jose Leandro homestead patent, and the same was true of the water rights on the other patented properties on the Chacon ranch.

17. I am disputing that statement, where the State says the two ditches, the Old Valdez and the Alfalfita, were connected after 1907 and we can't have our old water rights. Family history, homestead documents and surveys and traces on the ground still visible today, are proof that we have old water rights before 1907. These water rights are still irrigating the old cultivated homestead properties, whether from one, two or other ditches. Regardless of their names there have been ditches that have been in existence since before 1907 irrigating crops and pasture on all our lands.

18. Another thing I keep hearing is about the 1949 Turley survey didn't show all our irrigated fields and because of that we don't have any water rights for several of our fields. These fields, from east to west, are the "Alto" and "Tia Josefa" irrigated off the Sanchez Ditch, the Delfin and Francis Quintana pasture, the Gabriel Valdez pasture, then the irrigated field next to the Old Tank developed from when Pedro Y. Martinez' lived there, and of course, the "Alfalfita" field. All of these properties started with the homestead program and have old water rights.

19. I knew Pedro Y. Martinez and his family personally and to this very day I can show you where their house was and where they grew their crops which were irrigated by the Valdez Ditch, which came to be called the Old Valdez ditch in more recent times. I can also show you the location and traces of the old saw mill on this same property that made use of water for its purposes. Pedro Y. had an interesting situation that we did not learn about until the late 1940's after he left his property. It turns out he occupied the wrong property, getting onto the U.S.D.A. property, instead of the correct homestead property that bordered it to the south. This U.S.D.A. property is the one that my father Patricio bought from the federal government in 1951. These two properties are shown on our surveyor, Stephen Hardin's Exhibit A map.

20. The 1949 Turley survey was started in a hurry in order to defend a new application by Sixto Alire for a new appropriation of water for the lower Mesa de las Viejas area. We were trying to protect our water rights and we hired Turley to do the survey of our irrigated properties. The first 1949 survey was rushed and had a lot of errors and omitted several of the irrigated properties where we had old rights, including the Jose Leandro Montoya patent and the Juan Desiderio Valdez patent.

21. Medardo Sanchez informed the State Engineer with a Declaration sworn statement on February 28, 1949 that there were problems with the Turley survey, but in the end they were never able to succeed in completely correcting it. Turley had to amend it three times, including my father's (Patricio Chacon's) omitted seven acres, but in the end Turley never finished including all the irrigated properties and the 1949 survey still has omitted properties and errors. See Charlie Chacon Exhibit 4: Medardo Sanchez Declaration O636.

22. My father, Patricio Chacon and Medardo Sanchez, also tried for several months to correct these omitted properties and errors. They even contacted an Attorney, H .J. Guthmann from Santa Fe to help them straighten out the mess. They exchanged trips with him between Cebolla and Santa Fe and wrote letters with only limited success. See Charlie Chacon Exhibit 5: H.J. Guthmann letters.

23. Also, during this time my mother, Maximiana, had been ill since the early 1940's. My parents even tried to get me discharged from the Navy during WW II to come home early to help the family. They even tried but failed to get my brother Gilberto an early discharge from the Korean war to come home and help the family. By then I was busy working in Los Alamos and raising my young family. My father, Patricio, had his hands full and we all helped when we could but those were difficult times. My mother continued with poor health for the rest of her life until she passed away in 1956. My father, try as he did, was never able to straighten out the Turley survey because of all these difficulties but we never stopped irrigating all our fields.

24. Finally, I dispute the State Engineer's fact statement 37 that under the Cordova v. Quintana decision "the lands now watered by the Alfalfita ditch had no rights to water from the Rito del Medio." We have never claimed water rights for the Alfalfita ditch from the Rito del

Medio. Except for occasional tail water received from the Rito del Medio by way of the Canuto Valdez ditch into the Old Valdez ditch, the Alfalfita field has never been irrigated by the Rito del Medio.

FURTHER AFFIANT SAYETH NAUGHT

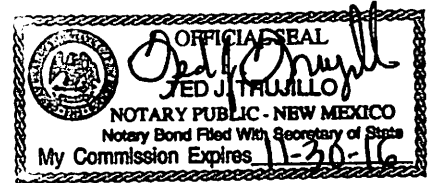
Charlie Chacon

Charlie Chacon

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires: 11-30-2016



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel. )  
State Engineer, )  
Plaintiff, )  
vs. ) 69cv07941-BB  
RIO CHAMA STREAM SYSTEM  
ROMAN ARAGON, et al., )  
Section 3, Rio Cebolla  
Defendants. )

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DEPOSITION OF CHARLIE CHACON

1:00 p.m.  
December 17, 2009  
New Mexico State Engineer's Office  
130 South Capitol Street  
Santa Fe, New Mexico

PURSUANT TO THE RULES OF CIVIL PROCEDURE, THIS  
DEPOSITION WAS:

TAKEN BY: GABRIEL WADE, Attorney for the  
State Engineer's Office  
REPORTED BY: PEGGY A. SEDILLO, NM CCR NO. 88



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Page 36

1 What my specific question is regarding  
2 Exhibit N, the letter you wrote, the affidavit you wrote,  
3 and you refer to the ditch running from your Godfather  
4 Canuto Valdez' property through your parents' homestead,  
5 and what I'm trying to do is visualize where Canuto  
6 Valdez' property is, where your parents' homestead  
7 property is, and where that ditch runs through that  
8 property.

9 A. Uh-huh.

10 Q. Would you be able to locate that property and  
11 ditch on Exhibit C? And what Exhibit C is showing is the  
12 southern portions of your land. Here is what you refer to  
13 as the Alfalfita field. Here is Alex Sisneros' property.

14 A. Uh-huh.

15 Q. Is this good enough to orient you to what I'm  
16 talking about? So here's the very southern boundary of  
17 your property.

18 A. Yeah, that's the corner right here (indicating).

19 Q. Right, and that's what you referred to as the  
20 Alfalfita field, what I'm pointing to.

21 A. Yes.

22 Q. Would you be able to point out to me where  
23 Canuto Valdez' property is -- or was? And keep in mind  
24 this dark line is the Cebolla Creek, or what I think you  
25 refer to still as the Rito Del Tanque.

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Page 37

1 A. Okay.

2 Q. Would it be helpful to you if I pointed out the  
3 different ditches?

4 A. Yeah, probably.

5 Q. Okay, so this is the Pinavetal.

6 A. Uh-huh.

7 Q. So that would be the very far northern boundary.  
8 The Alfalfita Ditch, or what we have marked as the  
9 Alfalfita Ditch. There is that point where it comes down  
10 off of Delfin Quintana's land.

11 A. Okay.

12 Q. And then the Alfalfita runs all the way down to  
13 the southern border of your property.

14 A. So being these -- What did you say this was?

15 Q. That's the Alfalfita Ditch, what the State  
16 Engineer refers to as the Alfalfita Ditch.

17 A. Is that right on the spot where the Quintana  
18 property is, or is it going to it?

19 Q. This is Delfin Quintana's property.

20 A. Okay.

21 Q. So that's up that hill. That that we have  
22 marked is that spring.

23 A. Uh-huh.

24 Q. That blue dot is the spring that is on the  
25 Alfalfita Ditch, the part that you have --

1 A. Oh, okay.

2 Q. It's kind of a hole --

3 A. Yeah. Yeah, the gathering.

4 Q. You said "gathering," is that correct? What I  
5 was referring to was the hole that was dug out --

6 A. Yeah. Well, there's where the -- And where is  
7 the creek that comes down -- The creek?

8 Q. This is the road right here.

9 A. Uh-huh.

10 Q. Okay, it goes up into Delfin's property.

11 A. Okay, uh-huh.

12 Q. Does that look familiar to you?

13 A. Yeah, that looks familiar.

14 Q. Here's where we have marked as the Old Valdez  
15 Ditch.

16 A. Uh-huh.

17 Q. Okay.

18 A. Where does it join the --

19 Q. The Alfalfita?

20 A. No, the Old Valdez Ditch.

21 Q. That's where we don't have marked on this  
22 particular map, but if it were to join, this red line  
23 would go down to here.

24 A. Okay.

25 Q. Do you see that?

1 A. Well, let me put it this way. I'm pretty well  
2 aware of the Old Valdez Ditch, because that's the one that  
3 I used to walk with the plow and my grandfather. I --  
4 whatever fell in here, whatever happens, I'm not so --  
5 so -- I remember this because I used to walk with my --  
6 and we used to go all the way in here, because that was  
7 the Old Valdez Ditch.

8 And other ditches that -- I was only familiar  
9 with the Delfin Pinavetal. Because I worked those  
10 ditches. And I worked this part of the Alfalfita Ditch,  
11 which is the Old Valdez Ditch.

12 Because what happened to be was that -- I think  
13 there was a -- they considered this a lateral rather than  
14 a ditch.

15 Q. And you're referring to the Alfalfita?

16 A. Yes. And it's been the Old Valdez Ditch from  
17 one end -- the upper end all the way down to the last user  
18 down below.

19 Q. Okay.

20 A. Is that kind of clear to you now?

21 Q. It's very clear to me. What you're saying is on  
22 the State Engineer's map, we stopped the Old Valdez Ditch,  
23 we marked a point of diversion and refer to a new ditch, a  
24 second ditch as the Alfalfita Ditch?

25 A. No. No, it's -- It's a steady ditch all the way

10 (Pages 34 to 37)

## MARY CHACON MARTINEZ

1/17/11

1-877-385-4268

385-4268

SHEET 2 PAGE 5

5

1 and Gerald will write it down so that we can give it to the  
2 court reporter at the right time, because a lot of these words  
3 are unique.

4 In fact, you said a couple of words yesterday that I  
5 hadn't heard myself, and I've heard a lot of terms, you know,  
6 so --

7 A Definitely.

8 Q Yeah. So -- so --

9 THE REPORTER: What did she say?

10 MR. TRUJILLO: "Definitely."

11 THE REPORTER: Oh, okay. I thought she

12 was --

13 THE WITNESS: Oh, I'm sorry.

14 Q (BY MR. TRUJILLO) Okay. And then the other thing is  
15 that -- make sure you verbalize all your -- your -- your  
16 answers, you know. Don't nod your head so much, you know,  
17 because she can't take that down. She needs to take a word  
18 down.

19 A Just a word down, and then the -- uh-huh.

20 Q You know, but -- but, you know, we'll -- we'll --  
21 we'll go slow, no? All right.

22 Mary, what I want you to do is start -- let's start  
23 with your full name. What is your full name?

24 A My full name -- my baptismal name is Maria Eduvigen  
25 Chacon. I was born November the 9th, 1922, in Cebolla, New

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7

1 Q All right. Let me ask you: Where were you raised,  
2 Mary?

3 A Cebolla, New Mexico.

4 Q Okay. And what kind of formal education did you  
5 have?

6 A Got to the eighth grade.

7 Q And where was the school?

8 A The school was right there in Cebolla, about a mile  
9 from our place, west from the ranch --

10 Q Okay.

11 A -- right there to the highway.

12 Q Okay. Now, what can you -- how would you describe  
13 your -- the ranch and the farm? What -- what sorts of crops or  
14 livestock, if any, were you people producing?

15 A We had -- we had wheat, beans, corn, hay, alfalfa,  
16 and -- oh, I would call oats, centeno.

17 Q Centeno?

18 A Centeno. That's rye.

19 Q Okay. So, centeno is rye?

20 A More or less, yes.

21 Q And what about livestock?

22 A We had cattle. We had sheep, goats, horses,  
23 chickens, pigs. I believe -- let's see. We had all the meat  
24 we needed, you know --

25 Q Okay.

PAGE 6

6

1 Mexico.

2 Q Eduvigen, okay. And I'll make sure you we get --  
3 Eduvigen. What were the names -- what were your parents'  
4 names?

5 A Patricio Chacon and Maximiana Lopez Chacon.

6 THE REPORTER: Are you writing those down?

7 MR. TRUJILLO: Okay, Maximiana.

8 THE REPORTER: Yeah.

9 THE WITNESS: M-A-X-I-M-I-A-N-A,

10 Maximiana.

11 Q (BY MR. TRUJILLO) And what about your grandparents?  
12 Say, your -- the parents of your father, who were they? If you  
13 know.

14 A Epimenio -- Epimenio Chacon, Rayitos Valdez.

15 Q Now, was that husband and wife?

16 A Yes, man and wife. My grandpa and my grandma.

17 Q Okay. Now, what about on your mother's side? Who  
18 were -- who were her parents?

19 A Gregorio Valdez Lopez. That's my grandpa.

20 Q Okay. And your grandma?

21 A Francisca Martin. Not Martinez, Martin.

22 Q Okay. And you had a relative named Josefa?

23 A Josefa Benavidez, Josefa Valdez Benavidez.

24 Q And who was she?

25 A She was my grandmother's, Rayitos Chacon's sister.

PAGE 8

8

1 A -- really, 'cause we had a little of everything. Or  
2 big whatever.

3 Q Now, where did you -- where were you growing your  
4 hay?

5 A We grew hay -- oh, my God. Over Tia Josefa's, after  
6 my dad bought the place or whatever. Tia Josefa -- that's east  
7 from our place. It's not exactly on the -- where the house is.  
8 It's east, I would say. I would consider it east from our  
9 house.

10 It's Tia Josefa. And there was some up above on the  
11 south side of the river. There's a river that -- that crosses  
12 not very far from the house, but this place was way above the  
13 house, south side --

14 Q Uh-huh.

15 A -- of the main river. See, we had the river, the  
16 Cebolla River, and then this was on the other side. There's  
17 where my grandpa used to plow, and we used to get some  
18 potatoes. We had potatoes, crop of potatoes.

19 Q Let me ask you --

20 A Do I explain how -- what happened?

21 Q Well, let me ask you this question: Now, the crop of  
22 potatoes that you're talking about, where were they grown? Did  
23 that place have a name?

24 A Yes, they -- they used to call it Alfalfita,  
25 Alfalfita.

ANIMAS Reporting Service

919 County Road 142, Durango, CO 81303

animas@animas.net

Exhibit 2



August 13, 2003

I, Filiberto Ulibarri was born November 24, 1936 in Las Nutrias, New Mexico near the village of Cebolla. I have a great familiarity with the irrigated farm land and ranch lands of the Chacon and Valdez family. I have hunted extensively on these farms and ranches and have helped these families to cut hay and do other farm and ranch work. Since I was a young boy, I have grazed cattle of my own next to these ranches on the Carson National Forest and on leased land next to them for all of my life.

I have seen water in the "Sanchez ditch" flowing to the northeast corner of the Chacon's property which has always irrigated the northeast higher portion of the "Tia Josefa Ranch" owned by the Chacon's.

I also am aware that the water from the old Valdez and Canuto Valdez ditches flowed southwest continuously to Gabriel Valdez, Burns and finally the alfalfita field which is located in the southwest corner of their home property. That ditch has flowed for all the time I have been on these ranches.

8-18-03

*Filiberto Ulibarri*

*Sworn before me this 18<sup>th</sup> day of August, 2003.*

*My commission expires  
June 30, 2007*

*Felicia Archuleta*  
Felicia M. Archuleta

Exhibit 3 (1)

August 14, 2003

I am Cristobal Archuleta, born in Cebolla, New Mexico on October 15, 1933. I was raised in Cebolla and have worked on the Gabriel Valdez and Chacon properties as well as other ranches next to these properties. I helped Mr. Pat Chacon, Charlie Chacon and other Cebolla families as a cowboy and with other farm work. I am very familiar with all the ranch and farm lands of this area.

Since I was very young, I have seen the Sanchez ditch water flow to the Tia Josefa property at the northeast corner of this ranch.

I have also seen the old Valdez/Canuto Valdez ditch flow to the home ranch of the Chacon's to irrigate the "Burns" and "alfalfita" fields for all my life. This water also irrigated the Gabriel Valdez and Delfin Quintana properties on its way to the Chacon's other property.

Cristobal Archuleta  
Signature

8/18/03  
Date

*Sworn before me this 18<sup>th</sup> day of August, 2003.*

*Felicia Archuleta*  
*Felicia M. Archuleta*  
*My commission expires June 20, 2007*

CHCB  
002-001  
Valdez  
Ditch  
11.8

Exhibit 3 (2)

October 13, 2003

To Whom It May Concern:

I was raised as an orphan by my Grandfather, Pablin Lujan, in Cebolla, New Mexico on a farm next to the Patricio Chacon (now Charlie Chacon) farm. I remember distinctly that we borrowed water from the Chacon's *alfalfita ditch* to harden a patch of land to thrash grain.

The water was used to irrigate the alfalfita field, a garden, and also to drown prairie dogs. This water originated at the Canuto Valdez land and flowed through the *alfalfita ditch* and terminated in the Chacon's alfalfita field.

I am eighty-five years old and lived in Cebolla, New Mexico most of my adult life witnessing the use of the *alfalfita ditch* to irrigate the Chacon's alfalfita field.

U. Valdez  
Signature

10-12-2003  
Date

Becka Pierce  
Notary



Exhibit 3 (3)

CHeB  
002-001  
Valdez  
Ditch  
11.8

Gilbert A Chacon  
320 Frontier St  
Bloomfield, NM-87413

To whom it may concern,

I, Gilbert Chacon born at  
Ceballos, N.M. on Feb 25, 1927.  
attest that as far as I can  
remember we have grown  
crops, on the alfafita field,  
such as potatoes, haba beans,  
lentiles, and alfalfa. as a  
little boy I remember, when we  
youngsters drowned prairie dogs  
with the water from the Alfafita  
ditch. This ditch originated at  
my tia Josefa's ranch. This water  
originated from the Old Valdez-  
Carrizo Valdez Alfafita ditch system.  
This ditch has carried water all  
my life.

Gilbert A Chacon

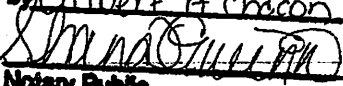
State of New Mexico  
County of San Juan  
The foregoing instrument was  
acknowledged before me this  
14 day of Aug. 18 2003  
by Gilbert A Chacon  
  
Notary Public

Exhibit 3 (4)

CEBOLLA, NEW MEXICO  
DECEMBER 22, 2004

TO WHOM IT MAY CONCERN:

TO THE BEST OF MY RECOLLECTION, I DELFIN O. QUINTANA MAKE THE FOLLOWING STATEMENT AS TRUE AND CORRECT:

IN THE SUMMER OF 1934 or 35, MY FATHER WAS WORKING IN A SAWMILL ON PROPERTY OF TIA JOSEFA GARCIA; A TERRIBLE ACCIDENT HAPPENED, A MAN THAT CONTROLLED THE CARRIAGE THAT SAWED THE LOGS SAT ON THE CARRIAGE TO TAKE A SMOKE. FOR WHATEVER REASON THE CARRIAGE STARTED MOVING AND THE CIRCULAR SAW CUT BOTH HIS LEGS. NEEDLESS TO SAY, THE MAN DIED.

I WAS WELL ACQUAINTED WITH THE LOCATION OF THE SAWMILL. WATER CAME TO THE SAWMILL FROM WHAT WE NOW CALL THE SANCHEZ ALTO DITCH. IT EMPTED INTO AN EARTH DAM THAT HAD BEEN <sup>(constructed)</sup> BY THE OWNER OF THE SAWMILL.

THE OLD VALDEZ DITCH WAS IN EXISTENCE AS FAR BACK AS I CAN RECALL. IT STARTED IN TIA JOSEFA'S PROPERTY, CROSSED CANUTO VALDEZ'S PROPERTY AND ENDED IN PEDRO Y. MARTINEZ'S PROPERTY.

THIS PROPERTY NOW BELONGS TO CHARLIE CHACON.

IN JUNE OF 1973, GABRIEL VALDEZ TRANSFERRED TO CHARLIE CHACON WATER FROM THE ACEQUIA DE EL PINAVETAL TO LAND COVERED BY THE ACEQUIA MADRE. THIS TRANSFER WAS LEGALLY DONE AND AT THE PRESENT TIME CHARLIE IS CO-OPERATING WITH THE ACEQUIA MADRE DITCH OFFICIALS IN ADJUDICATING THE USE OF WATER.

*Delfin O. Quintana* 12-31-04  
DELFIN O. QUINTANA

*Sharon Berneman* 12-31-04  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

*June 10, 2006*

Exhibit 3 (5)

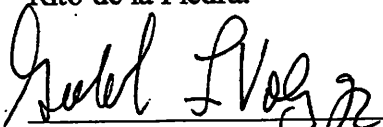
My name is Gabriel Valdez, Jr. I am 61 years old and was born and raised in Cebolla, New Mexico. I spent all of my youth until adult life on my family ranch and farm. This ranch has been in my family since it was homesteaded by my great grandparent Gabriel Valdez over one hundred years ago.

I am currently retired from the New Mexico State Police Department. I served as a State Police Officer for 22 years. During all of my youth and adult life, I have managed the ranch for my brother and sisters. I am familiar with this area including my neighbor's ranch, owned by the Charlie Chacon family. We are both decedents of Gabriel Valdez, the original homesteader of our families' property.

For all of my life I have tended livestock and crops on our property and helped My neighbors and relatives with theirs. That has given me an opportunity to know every irrigation ditch in the area. I will attest that the Old Valdez-Canuto Valdez ditch which runs through our property originates with the Old Valdez ditch in the Chacon property, Tia Josefa Valdez ranch. Water from the Canuto Valdez ditch also enters this ditch in Delfin Quintana's property. The Chacons have irrigated the T. D. Burns ranch homesteaded by Pedro Y. Martinez since I can remember. They also irrigate the Alfalfita field from this ditch. Water from this ditch also irrigates 10-15 acres of my property before it enters the T. D. Burns ranch of the Chacons.

I would also attest that water from the Sanchez ditch has irrigated the Northeast corner of the Tia Josefa Valdez ranch, owned by the Chacons. The water comes from the

Rito de la Piedra.

  
\_\_\_\_\_  
Gabriel L. Valdez, Jr.  
10-06-04



  
\_\_\_\_\_  
Notary  


Exhibit 3 (6)



**FILED**

MAR 1 1949

OFFICE STATE ENGINEER  
SANTA FE, N. M.

Santa Fe, New Mexico,  
February 28, 1949.

Hon. John H. Bliss,  
State Engineer,  
Santa Fe, New Mexico.

Re: Declaration 0636  
and Application 1861.  
ACEQUIA DEL PINAVETAL.

Dear Sir:

Now comes THE ACEQUIA DEL PINAVETAL, by Medardo Sanchez, the Chairman of the Commissioners of the said Acequia and makes the following representations.

1. That we have heretofore made a registration of our rights. In compliance with the regulations of your office, we had a survey made, together with a map and statement. The said map having been filed in your office under the above recorded number.
2. That we had paid for the survey and map, and that it now appears not to be accurate in some particulars.
3. That the lands are there, just as they were at the time the said map was made; and that they had been occupied and irrigated many years before that date.
4. That the Rito del Tanque, from which our ditch receives its supply of water, flows southwesterly and finally joins with the Rito Cienega Redondo; and from their confluence westerly the two streams are commonly known as the Rio Cebolla.
5. That there are approximately One Hundred Fifty Three acres of land which have been irrigated from the said Rito del Tanque.
6. That the ownership of the lands under the said Acequia has changed; but that the waters are being used upon the same lands as they have been for a great many years.
7. That the names of the present owners of the lands, - and consequently of the water rights, - are as follows; Medardo Sanchez, Gabriel Valdez, Jose L. Maez, Manuel Sanchez, Samuel Sanchez, Jose L. Sanchez, Pablo Sena, Patricio Checon, Luis Quintana and Ramon Martinez, - all of Cebolla, Rio Arriba County, New Mexico.
8. That we are now informed that our map is not in accordance with your regulations, - as we had supposed it to be.
9. Therefore, before any division or adjudication of the waters of the Rio Cebolla is made, we respectfully request that we be given an opportunity to employ a competent engineer in order to have a survey made together with a map for recording in your office; so that you may have the full facts before you.
10. That Medardo Sanchez was authorized to make these representations to your office; and we respectfully ask that they be given due considerations.

Yours very respectfully,

*Medardo Sanchez*  
Medardo Sanchez, Cebolla, New Mexico.

Subscribed and sworn to before me this 28th day of February, 1949.

My commission expires Jan. 28, 1951.

*Hella E. Blanchard*  
Notary Public

Exhibit 4

P. O. Box ~~487~~Telephone ~~624-442~~

H. J. GUTHMANN

ATTORNEY AT LAW

~~Plaza~~  
Loughlin Building~~104 1/2 West San Francisco Street~~

Santa Fe, New Mexico

April 3, 1951

Mr. Patricio Chacon  
Cebolla, New Mexico

Dear Mr. Chacon:

The affidavits which Mr. Gutierrez and I discussed with you and the other interested parties when we were in Cebolla have not been prepared as yet since I have been busy moving my offices to a new location. I now have offices in the Plaza Building, which is the building above Western Union.

I have prepared a rough draft of the Affidavit and hope to have the same prepared in final form within the next day or so for transmittal to you. I will appreciate it if you will notify Mr. Medardo Sanchez and Mr. Antonio Archuleta the reason for the delay in getting these affidavits to you people.

On March 29, 1951, I mailed a copy of the map to Sixto Alire and presume that he has the same by now, as I received a card from him dated March 26, 1951 that he intended to return to Cebolla from Mountainair within the next four or five days from that date.

With best wishes, I remain

Sincerely yours,

*H. J. Guthmann*  
H. J. GUTHMANN

HJG:ms

Exhibit 5(1)

WILLIAM J. H.  
WALTA YEMOTIA  
PUBLIC NOTARY

July 2 - 1957

Mr. H. J. Guthmann

querido Mr. Guthmann

yo y Mr. Pat Chacon queremos verlo

a usted en su oficina el dia 7 de July

si usted puede esperararnos esa dia

siguiente Contestame pronto para el sabado  
dia 7 de July

sin mas

Medardo Sanchez

POST OFFICE BOX 487

H. J. GUTHMANN  
ATTORNEY AT LAW  
PLAZA BUILDING  
SANTA FE, NEW MEXICO

DIAL 3-7151

July 19, 1951

Mr. Medardo Sanchez  
Cebolla, New Mexico

Dear Mr. Sanchez:

Enclosed herewith you will find the application for appropriation of waters under the Acequia Pinabetal, Rito del Tanque and Rito Piedra which we discussed this morning. In checking the State Engineer's file I learned this afternoon that the original declaration filed had been amended three times and the declarations cover the two tracts of land of Mr. Jose Sanchez, only one of which was shown on the amended declaration which I have in my file, and the other amendment includes the seven acre tract belonging to Patricio Chacon which was not shown on my copy of the amended declaration. I have included these tracts in the application.

Please sign both copies of the application before a notary public on the line indicated with a red pencil check mark and return the same to me at once so that I may file them and establish our application date, as well as prepare the necessary statement for Mr. Sixto Alire's signature.

Sincerely yours,

  
H. J. GUTHMANN

HJG:ms  
Enc. 2

Exhibit 5 (3)